

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #: _____
DATE FILED: 1/11/2022

MARCO BARONE, individually and on behalf of others similarly situated, and AGOSTINO CANGIANO, individually and on behalf of others similarly situated,

Plaintiffs,

-v.-

CAMPANIA FELIX LLC d/b/a SAN MATTEO PIZZERIA E CUCINA, SANMATTEO TAKEAWAY CORP. d/b/a SAN MATTEO TAKEAWAY, SALERNITANI LTD. d/b/a SAN MATTEO PIZZA ESPRESSO BAR, FABIO CASELLA, and RAFAEL DOE,

Defendants.

20 CV 06709 (MKV)

**TRIAL SCHEDULING
AND LOGISTICS ORDER**

MARY KAY VYSKOCIL, United States District Judge

The Court held a telephonic pretrial conference on January 11, 2022. Counsel for all parties were in attendance. The parties advised that all discovery is complete, no dispositive motions are contemplated, and the case is trial ready for trial to a jury. In accordance with matters discussed at the conference, IT IS HEREBY ORDERED:

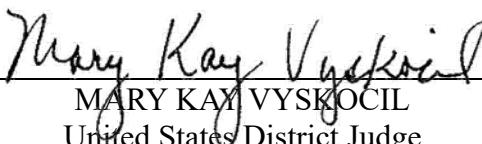
- As the Court has previously advised the parties, the Southern District of New York has reconfigured courtrooms and other spaces in its courthouses to allow jury trials to proceed as safely as possible during the COVID-19 pandemic. All scheduling of trials is done on a quarterly basis under the centralized calendaring system pursuant to which the Clerk's Office schedules up to three jury trials to begin on each day of jury selection: a primary case and up to two back-up cases that may proceed in its place if the primary case does not go forward. The Court will seek to schedule a trial date for the second quarter of 2022, to which both Parties agreed. The case must be trial-ready at that time and the parties are on notice that they must be prepared to proceed on the assigned date. The Court will issue an order advising the parties of the assigned trial date once the schedule for the second quarter of 2022 is issued.
- During the pretrial conference, both parties agreed to resume mediation with Debra Wabnik. If the parties instead wish to mediate with Mr. Patrick ("Mike") McKenna, whom plaintiff proposed and whom both parties indicated is acceptable, they shall jointly contact Mr. McKenna on or before January 19, 2022 to make the necessary arrangements. On or before February 11, 2022, the parties shall file a joint letter advising the Court as to the status (but not substance) of settlement discussions.

- On or before March 8, 2022, the parties shall submit a Pretrial Order as required by this Court's Individual Rules of Practice, Section 7.A.
- On or before March 15, 2022, the parties shall submit *in limine* motions. Oppositions to *in limine* motions shall be filed on or before March 29, 2022. Replies shall be filed on or before April 5, 2022.
- On or before March 15, 2022, the parties shall submit joint proposed voir dire questions, verdict form, and requests to charge as required by this Court's Individual Rules of Practice, Section 7.B.iii. The joint proposed voir dire questions should list the questions on which the parties agree and, for any questions that are not jointly agreed, each party's proposed additional questions. Any contested, competing proposals in the Verdict forms and requests to charge shall be listed adjacent to one another. For the Requests to Charge, the parties shall include authority that supports the requested instruction.

The parties are reminded to consult the Court's Individual Practice rules regarding trials and trial preparation. Failure to comply with the Court's Individual Practice Rules or with deadlines or other terms of this Order may result in sanctions, including preclusion or dismissal of claims or defenses.

SO ORDERED.

Dated: January 11, 2022
New York, New York



MARY KAY VYSKOCIL
United States District Judge